

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DONALD C. HAYES,

CASE NO. C16-5095BHS-DWC

Plaintiff,

## ORDER ADOPTING REPORT AND RECOMMENDATION

STATE OF WASHINGTON,  
DEPARTMENT OF CORRECTIONS,  
et al.,

## Defendants.

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge. Dkt. 144. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;

(2) Defendant Duong's Motion for Judgment on the Pleadings (Dkt. 124) and Defendants Smith and Warner's Motion for Summary Judgment (Dkt. 127) are **DENIED**

**ot**; and

(3) Defendant Warner is **DISMISSED** from this action.

Dated this 23rd day of May, 2017.

  
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**BENJAMIN H. SETTLE**  
United States District Judge